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| APPLICATION NO.                                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/708,799                                      | 03/26/2004  | Wei-Guan YAU         | MTKP0150USA         | 2798             |
| 27765   | 7590        | 11/16/2005           | EXAMINER            |                  |
| NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION |             |                      | WEST, JEFFREY R     |                  |
| P.O. BOX 506                                    |             |                      | ART UNIT            |                  |
| MERRIFIELD, VA 22116                            |             |                      | PAPER NUMBER        |                  |
|   |             |                      | 2857                |                  |

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO/<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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Commissioner for Patents

## **DETAILED ACTION**

### ***Response to Amendment***

1. The reply filed on November 02, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s) (See 37 CFR 1.111):

The Requirement for Election mailed October 04, 2005, required the election of a single disclosed species from each of two different groups of species.

The first group was outlined as:

A first embodiment for calculating a ratio of an actual time interval to a predetermined time interval, as best illustrated in paragraph 0031, lines 6-11.

A second embodiment for calculating a ratio of an actual time interval to a predetermined time interval, as best illustrated in paragraph 0031, lines 11-18.

With claims 5 and 22 considered to be generic with respect to these species.

The second group was outlined as:

A first embodiment for using a compensation value to reduce a difference between a count value and a threshold value, as best illustrated in paragraph 0032, lines 4-8.

A second embodiment for using a compensation value to reduce a difference between a count value and a threshold value, as best illustrated in paragraph 0032, lines 9-15.

A third embodiment for using a compensation value to reduce a difference

between a count value and a threshold value, as best illustrated in paragraph 0032, lines 15-17.

With claims 1 and 18 considered to be generic with respect to these species.

In response to the Requirement for Election, Applicant elected the species corresponding to "A first embodiment for using a compensation value to reduce a difference between a count value and a threshold value, as best illustrated in paragraph 0032, lines 4-8". This election, however, did not elect a single species from the first group of species and therefore the reply is incomplete.

In reply to this notice, Applicant should confirm the election of the single species of the second group as well as elect single species from the first group.

2. The Examiner also notes that when making an election, Applicant has indicated that claims 9 and 26 correspond to the elected species and has withdrawn from consideration claims 8, 10, 11, 25, 27, and 28.

The embodiment presented with respect to the elected species corresponds to paragraph 0032, lines 4-8, which state, "[i]n this preferred embodiment, the compensating module 50 simply adds the compensation value to the counting value. For example, if the compensation value were 3, then the count value would be increased by three." This disclosed embodiment is for reducing the difference

between a threshold value and a count value such that if the threshold value is greater than the initial value of the count value, the compensation value is used by adding the compensation value to the count value without adjusting the threshold value.

Applicant is correct in indicating that claims 9 and 26 correspond to this elected species. The Examiner also notes, however, that claims 11 and 28 provide an obvious variation of claims 9 and 26 such that if the threshold value is less than the initial value of the count value, the compensation value is used by subtracting the compensation value from the count value without adjusting the threshold value.

Since the invention presented in claims 11 and 28 are clearly obvious variants of the invention presented in claims 9 and 26, they are not considered to be patentably distinct from each other. Therefore, in electing the species of paragraph 0032, lines 4-8, Applicant should indicate that this species corresponds to claims 11 and 18 in addition to claims 9 and 26.

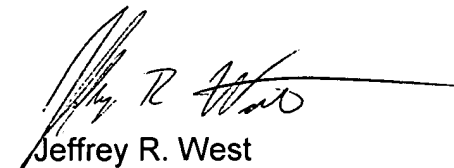
3. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 2857

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (571)272-2226. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey R. West  
Patent Examiner – AU 2857

November 13, 2005